

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES H. FISCHER,

Docket No. 14 CV 1307
(PAE)

Plaintiff,

— against —

STEPHEN T. FORREST,

Defendant.

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JAMES H. FISCHER,

Docket No. 14 CV 1304
(PAE)

Plaintiff,

— against —

STEPHEN T. FORREST and SANDRA F.
FORREST,

Defendants.

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AFFIRMATION IN SUPPORT OF MOTION TO DISMISS

DANIEL K. CAHN, an attorney at law being duly admitted to practice before the
Courts of the State of New York, affirms the following under penalties of perjury:

1. I am a member of the firm of Law Offices of Cahn & Cahn, P.C.,
attorneys for the Defendants, Stephen T. Forrest, in this action. I respectfully submit this brief
affirmation in support of the Defendant(s)' motion to dismiss the Amended Complaint filed on
August 3, 2014 in this action, pursuant to Rule 12(b)(6).

2. This motion is based solely on the four corners of the Amended Complaint
and does not rely on any matters outside of said pleadings. The Amended Complaint in
14cv1307 appears as Document No. 50 on the Court's docket for 14cv1307.

3. Pursuant to Local Civil Rule 7.2, I have mailed or emailed (the latter with Plaintiff's consent) to the *pro se* Plaintiff copies of all of the authorities relied on which may not be available to the general public or which may be exclusively listed on computerized databases.

4. Based upon the arguments contained in the accompanying Memorandum of Law in Support of Motion to Dismiss, it is respectfully submitted that the Court should dismiss the Amended Complaint in 14cv1307 and each and every cause of action contained therein, on the ground that the Plaintiff has failed to sufficiently plead the elements of each and every one of his claims.

Dated: August 25, 2014
Huntington, New York

/s/ Daniel K. Cahn

DANIEL K. CAHN (DC9791)